

STATE ACTS AND REGULATIONS ON IMAGING: VERMONT

July 2019

Introduction

APTA supports the ability of physical therapists to order appropriate tests as part of their diagnostic process. This includes ordering imaging studies that are performed and interpreted by other health professionals, as well as performing or interpreting selected imaging or other studies. One aspect of achieving this goal is at the state level, under jurisdictional scope of practice. This includes not only the physical therapist scope of practice, but other provider and facility laws that may come into play. To help identify potential hurdles, APTA conducted an environmental scan of 25 selected states. The purpose is to identify any statutory considerations, as well case law and attorney general opinions that may impact the ability of APTA chapters to pursue legislative efforts on this issue.

Summary

The physical therapy practice act is silent on the use of radiology in the practice of physical therapy. Further, physicians, podiatrists, chiropractic physicians, osteopathic physicians, and naturopathic physicians must be authorized by the Board of Radiologic Technology to apply ionizing radiation. Moreover, under the licensing and operating rules for nursing homes, nursing facilities are required to obtain radiology orders from an attending physician.

Physical Therapy Practice Act and Regulations

The Vermont physical therapy practice act states: “‘Practice of physical therapy’ means: (A) examining, evaluating, and testing, in order to determine a plan of care inclusive of appropriate therapeutic interventions and expected outcome and effect of the interventions of individuals with: (i) mechanical, physiological, and developmental impairments; (ii) functional limitations in physical movement and mobility; (iii) disabilities; and (iv) other movement-related conditions; (B) alleviating impairments and functional limitations in physical movement and mobility and disabilities by developing, implementing, and modifying treatment interventions; or (C) reducing the risk of injury, impairment, functional limitation, and disability related to physical movement and

mobility, including the promotion and maintenance of fitness, health, and wellness related to movement and function.” *Vt Stat Ann tit 26 § 2081a (8) (2007)*

Non-Physical Therapy Practice Acts and Regulations

The Vermont Statutes Annotated governing radiology provides that “[t]he board shall recognize and follow the [American Registry of Radiologic Technologists] and the [Nuclear Medicine Technologist Certification Board] primary certification process. The board shall issue a license to practice in one of the following three primary modalities to any person who in addition to the other requirements of this section, has reached the age of majority and has completed preliminary education equivalent to at least four years of high school: (1) Radiography. -- The board shall issue a radiography license to any person who, in addition to meeting the general requirements of this section: (A) has graduated from a radiologic technology training program offered by a school of radiologic technology approved by ARRT; and (B) has obtained primary certification in radiography from ARRT.” *Vt Stat Ann tit 26 § 2821a (1) (2011)*

Attorney General Opinions

No attorney general opinions on point were identified.

Jurisdictional Case Law

No jurisdictional case law on point was identified.

State Law and Regulations Governing Hospitals and Other Facilities and Services

The Vermont Statutes Annotated governing radiology state: “Licensed practitioner’ means a person licensed under this title to practice medicine, osteopathy, dentistry, podiatry, naturopathic medicine, or chiropractic.” *Vt Stat Ann tit 26 §2801 (6) (2011)*

The statutes further provide that “[u]nless the requirements of subdivision 2803(1) of this chapter have been satisfied, a physician, as defined in chapter 23 of this title; podiatrist, as defined in chapter 7 of this title; chiropractic physician, as defined in chapter 10 of this title; osteopathic physician, as defined in chapter 33 of this title; or naturopathic physician, as defined in chapter 81 of this title, shall not apply ionizing radiation to human beings without first having satisfied the Board of his or her competency to do so.” *Vt Stat Ann tit 26 §2804 (a) (2017)*

Subdivision 2803(1) cited above provides an exception for “[l]icensed practitioners acting within the scope of practice for their licensed field, provided that their practice acts and rules adopted thereunder make provisions for radiation safety and proper radiation practices determined in consultation with the board.” *Vt Stat Ann tit 26 § 2803 (2011)*

The Licensing and Operating Rules for Nursing Homes state: “[A nursing home] facility must: (1) provide or obtain radiology and other diagnostic services only when ordered by the attending physician[.]” *Vt Code R 13 110 005 §1.12.2 (d) (2001)*

The Board of Radiologic Technology Administrative Rules state: “No persons, as defined in Section 2804, shall apply ionizing radiation to human beings without first being certified as competent by the Board. The Board shall maintain an online compendium of courses, course sequences, or qualifying exams approved to demonstrate a practitioner's competency for purposes of certification or biennial recertification. Approved courses, course sequences, or exams shall address: radiation biology, radiation physics, exposure reduction, radiation safety, safe equipment operation, image processing, image evaluation, quality control, and patient consideration. Details are available from the Board's website at www.sec.state.vt.us/professional-regulation/professions/radiologic-technology.” *Vt Code R 04 030 280 §2.1 (1995)*